

URGENT ACTION

DISEMBARK 160 PEOPLE HELD ON FERRY BOATS

Under the pretext of COVID-19, Maltese authorities have been holding for weeks about 160 people on two private vessels used for coastal tourism off Malta's territorial waters. They were transferred to the ferry boats after their rescue in separate operations in the central Mediterranean, on 29 April and 7 May. The situation on board is becoming unbearable as the boats are not suited for long stays. Maltese authorities should end their arbitrary detention and immediately disembark them in Malta, ensuring they can apply for asylum and access adequate reception.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Dr Robert Abela MP
Prime Minister

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Dear Prime Minister,

I am writing to express my grave concern at the situation of about 160 people currently held by Maltese authorities on the private vessels Europa II and Atlantis, near Malta.

The people were rescued at sea on 29 April and 7 May and subsequently transferred to private vessels chartered by Malta and placed just outside Maltese waters. The Maltese government has left them at sea since, without indicating when they would be disembarked and instead using their suffering to coerce other European governments to assist them and relocate them.

Nothing can justify holding people for weeks without legal basis and in inadequate conditions. Ferry boats are not suited for long stays nor can they cater for the needs of people rescued at sea. The need to avoid the spreading of Covid-19 is no excuse to impose unnecessary, inhumane and discriminatory measures against traumatized people, such as denying their disembarkation.

I am therefore calling on you to immediately stop the human rights violations you are perpetrating against people held onboard the Europa II and Atlantis, by ordering their immediate disembarkation and their transfer to open structures where they can receive adequate assistance and, if they wish, submit asylum requests.

Yours sincerely,

ADDITIONAL INFORMATION

During April 2020, Malta has used Covid-19 to justify a decision not to authorize any disembarkation of people rescued at sea in Malta. This has been followed by incidents where boats in distress have been left unattended at sea for days and one incident where Malta reportedly instructed private boats to rescue people at sea and subsequently disembark them in Libya, which is now the subject of a criminal investigation in Malta, involving the Prime Minister himself. Push-backs to Libya constitute a breach of international and European human rights and refugee law.

Determined to prevent further disembarkations in the country, the Maltese government has also moved to the use of private vessels, owned by company Captain Morgan and normally used for daily cruises along Malta's coast, to hold people rescued at sea under its coordination. As of 22 May, about 160 people rescued at sea in three separate incidents on 29 April and 7 May are aboard two private vessels.

A group of 57 men, rescued on 29 April by a fishing boat, were transferred the following day to the *Europa II*. Two further groups, of 45 and 78 people respectively, were rescued on 7 May by a speedboat of the Armed Forces of Malta and a fishing boat: while families, including 18 women and children, from these groups were allowed to disembark in Malta, the remaining 105 people were transferred first to ferry boat *Bahari* and then, on 15 May, to ferry boat *Atlantis*. People onboard the two cruise ships, which are pleasure boats not designed to cater for long stays, have been left there since. Maltese authorities have provided mattresses and food and it is reported that Covid-19 tests have been carried out. However, media and local NGO reports indicate that the situation of the people on board is inadequate and leading to growing distress, depression and anxiety, with reports that some people are on hunger strike and others have attempted suicide. While people onboard are entitled to seek asylum in Malta if they wish to do so, Maltese authorities have not allowed UNHCR to visit them. People onboard have no access to the outside world, to lawyers or doctors of their choice. This renders it impossible to have precise information about their number and identities.

Notwithstanding that the Maltese authorities have used the Covid-19 pandemic to justify the decision to close the country's ports, they are clearly not using the detention of refugees and migrants on the private vessels outside territorial waters as a quarantine measure. No end date for their detention has been provided and Malta has instead engaged in tense negotiations with the European Commission over the relocation of these people.

The Maltese government has not clarified the specific reasons and legal basis for such measures, beyond generic references to a purported inability of the country to assist refugees and migrants during the Covid-19 crisis. Instead, it has threatened not to allow people to disembark until other EU Member States offer to assist them. Such actions appear to breach the right to seek asylum and the right to liberty of the refugees and migrants affected. Measures limiting certain human rights, for example for the protection of public health, may at times be necessary; however, they should be set out in law and be proportionate and necessary to the pursuit of a legitimate aim. They should furthermore respect the principle of *non-refoulement* and other binding obligations under international law, including the right to seek asylum.

Malta has a long record of human rights violations against refugees, asylum-seekers and migrants attempting to reach the country by boat from North Africa. This has included the use of arbitrary detention for people who have made it to Malta. Malta has also shirked responsibility for rescuing people at risk of drowning in the central Mediterranean. In recent years, Malta has actively supported EU policies aiming at outsourcing to Libya search and rescue responsibility over the central Mediterranean, even if this has resulted in people intercepted by Libyan authorities being disembarked in Libya and arbitrarily detained in centres where they face horrific conditions and the risk of torture. While such actions have dramatically reduced the number of people crossing the central Mediterranean and arriving in Europe by boat, over 3,400 people reached Malta by sea in 2019, and over 1,200 so far in 2020.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Maltese.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 3 July 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

And copies to:

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